

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

| | | |
|--|---|-----------------|
| ROSA REYES and FELIX MARTINEZ, |) | |
| individually and on behalf of all others |) | No. 22-cv-_____ |
| similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| -against- |) | |
| |) | |
| BRONX PARK PHASE III PRESERVATION |) | |
| LLC, LIHC INVESTMENT GROUP; |) | |
| BELVERON PARTNERS; CAMBER |) | |
| PROPERTY GROUP; CAMMEBY'S |) | |
| INTERNATIONAL GROUP, INC., AND |) | |
| RUBIN SCHRON, |) | |
| Defendants. |) | |
| |) | |

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and 1453, Defendant Rubin Schron hereby gives notice of removal of the action *Reyes v. Bronx Park Phase III Preservation LLC*, Index No. 800494/2022, (N.Y. S. Ct.), from the Supreme Court of the County of Bronx, New York, to the United States District Court for the Southern District of New York.¹ In support thereof, Mr. Schron states as follows:

BACKGROUND

1. This is an action alleging serious personal injuries arising from a fire that took place at 333 East 181st Street, Bronx, New York on January 9, 2022. Although the Complaint's cookie-cutter allegations claim that all of the Defendants were responsible under state law for the condition of the premises, Mr. Schron never had any direct or indirect ownership over the property at 333

¹ This action also names Cammeby's International Group, Inc. as a defendant. Cammeby's International Group is a trade name for a group of companies founded by Mr. Schron. Cammeby's International Group is not a legally organized entity.

East 181st Street, Bronx, NY. Plaintiffs therefore have not alleged any legitimate or good faith basis for naming Mr. Schron in this Complaint.

2. On January 11, 2022, Plaintiffs filed a Complaint in the Supreme Court of the County of Bronx, New York.

3. Plaintiffs seek certification as a class action and purport to represent a class of more than 100 persons consisting of “all persons who reside in, and/or who were legally on the premises, and/or suffered injuries on January 9, 2022 when a massive fire occurred at the premises known as 333 East 181st Street Bronx, New York.” Ex. 1, Compl. ¶¶ 3-4.

4. This action is removable to this Court under 28 U.S.C. §§ 1332, 1441, and 1453 because it is a putative class action in which the parties are minimally diverse, the amount in controversy exceeds \$5 million, and Mr. Schron has satisfied all procedural requirements for removal.

THE COURT HAS SUBJECT MATTER JURISDICTION OVER THIS ACTION

A. The Parties Are Minimally Diverse

5. *Citizenship of class members:* Plaintiffs Rosa Reyes and Felix Martinez are citizens of New York. See Ex. 1, Summons. Hullamtou Ceesay is a member of the putative class who alleges legal presence at the premises on January 9, 2022 and is alleged to be a citizen of Georgia. See *Ceesay v. Bronx Park Phase III Preservation LLC*, 1:22-cv-390, Compl. ¶ 1 (S.D.N.Y. Jan. 14, 2022). And on information and belief, a number of other class members are believed to be citizens of a foreign states or of states other than New York.

6. *Citizenship of defendants:* Defendant Rubin Schron is a citizen of New York. On information and belief, Defendant Belveron Partners is a citizen of California because it is a limited liability company whose members are citizens of California. And on information and belief,

Defendant LIHC Investment Group is a citizen of Maine because it is a limited liability company whose members are citizens of Maine.

7. Thus, one or more members of the putative class of plaintiffs is a citizen of a state different from one or more of the defendants, and the minimal diversity requirement is satisfied. 28 U.S.C. § 1332(d)(2)(A).

B. The Amount in Controversy Exceeds \$5 Million

8. Plaintiffs allege no less than \$1,000,000,000.00 dollars in damages on behalf of the putative class. *See* Compl. ¶ 88.

9. Thus, the amount-in-controversy requirement is satisfied. 28 U.S.C. § 1332(d)(2).

10. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(d)(2).

THE PROCEDURAL REQUIREMENTS OF REMOVAL ARE SATISFIED

11. Removal is timely under 28 U.S.C. § 1446(b) because Mr. Schron has not yet been served.

12. A class action may be removed under section 1446 without regard to whether other defendants properly joined and served are citizens of the state in which the action is filed and/or consent to removal. *See* 28 U.S.C. § 1453(b).

13. Removal to this District is proper because this is the district and division where the state-court action is pending. *See* 28 U.S.C. § 1446(a).

14. A copy of the Complaint, which has not yet been served on Mr. Schron, is attached hereto as Exhibit 1. *See* 28 U.S.C. § 1446(a).

15. Mr. Schron will promptly file a true and correct copy of this Notice of Removal with the clerk of the Bronx County Supreme Court, and serve Plaintiffs' Counsel and all Parties

who have appeared in the state court action with a true and correct copy of this Notice of Removal, in accordance with 28 U.S.C. § 1446(d).

16. By filing this Notice of Removal, Mr. Schron does not waive any defense that may be available to him and reserves all such defenses.

17. Mr. Schron reserves his right to amend or supplement this Notice of Removal.

18. If any question arises as to the propriety of the removal to this Court, Mr. Schron requests the opportunity to present legal briefing and oral argument in support of his position that this case has been properly removed.

WHEREFORE this action is hereby removed from the Supreme Court of New York, County of Bronx, where it is pending under Index No. 800494/2022, to the United States District Court for the Southern District of New York.

Dated: January 18, 2022

Respectfully submitted,

/s/ Steven A. Engel

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